

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Ronnie Broadwater

Docket No. 7:05-CR-66-1D

Petition for Action on Supervised Release

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Ronnie Broadwater, who, upon an earlier plea of guilty to Distribution of Cocaine Base (Crack) in violation of 21 U.S.C. § 841(a)(1), was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on December 6, 2005, to the custody of the Bureau of Prisons for a term of 151 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Broadwater was released from custody on July 1, 2016, at which time the term of supervised release commenced.

On July 25, 2017, the court modified Broadwater's conditions to include that he participate in mandatory substance abuse treatment and participate in the DROPS program in response to his admission to using marijuana and his positive urine screen on July 5, 2017.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On February 20, 2018, Broadwater was summoned to the probation office to provide a urine sample due to previous samples being invalid either due to being diluted or the sample being "... not consistent with normal human urine." As testing commenced Broadwater was visibly nervous and appeared to struggle to provide a sample. The probation officer detected that Broadwater was attempting to conceal his efforts and that his actions were not commensurate with normal behavior in providing a sample. Broadwater was confronted and eventually disclosed he had affixed an eye dropper medication bottle containing "clean" urine to his groin area and had discharged that false sample into the testing cup. The intent of this subterfuge was to falsify a urinalysis test in order to receive a negative test reading when any valid sample Broadwater would provide would have been, in fact, positive. Broadwater provided the probation officer with the device used to falsify the test, profusely apologized, and signed a statement admitting to the use of marijuana.

Due to a DROPS condition, Broadwater will be scheduled for a 2-day term of custody in response to the admission of using marijuana. Further, he has been returned to substance abuse treatment and has again been placed in the Surprise Urinalysis Program for further testing.

As for Broadwater's efforts to use a device to evade proper testing, it is the position of the probation office that Broadwater adhere to a curfew as determined by his supervising officer and enforced by location monitoring for a period of 60 days. Broadwater will be required to pay for the cost of the program.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and

abide by all program requirements, instructions and procedures provided by the supervising officer.
The defendant must pay all of the cost of the program.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Erik J. Graf
Erik J. Graf
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2031
Executed On: March 14, 2018

ORDER OF THE COURT

Considered and ordered this 19 day of March, 2018, and ordered filed and made
a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge